PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
191 MAIN STREET
EAST MILLINOCKET, MAINE 04430

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

STREAM ALTERATION PERMIT SA 1086

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Donald and Kathleen Sylvester for Stream Alternation Permit SA 1086 finds the following facts:

1. Applicant: Donald and Kathleen Sylvester
   1 Leslie Avenue
   Greenwich, Connecticut 06831

2. Date of Completed Application: October 1, 2015

3. Location of Proposal: Forkstown Twp., Aroostook County
   Lot #24 on Plan 02

4. Zoning: (D-RS) Residential Development Subdistrict

5. Affected Waterbody: East Branch Mattawamkeag River

6. The applicants' lot is developed with pre-Commission seasonal camp and accessory structures. The applicant states that the shoreline has been scoured by high waters, high flow, and ice in the spring and numerous trees are being undermined. Continued erosion of the shoreline threatens damage or loss of the existing structure.

7. The applicants propose to install riprap along the shoreline in order to stabilize the bank and preserve the remaining trees. The riprap would extend 90 feet along the shoreline, approximately 9 to 10 feet high and from the normal high water mark a distance of 10-15 feet inland up the grade at a slope of 1.5 feet horizontal to 1 foot vertical. The rock used for riprap would be approximately 2-4 feet in diameter in order to withstand the high water velocities in the spring time.

8. Geotextile fabric and gravel would be used under the rock riprap as needed to fill in the pockets that have formed and to re-establish the slope. Excavation equipment would be operated from slightly above to slightly below the normal high water mark. Equipment will be operated only on rubber blasting mats to avoid having the tracks of the equipment in direct contact with the river bottom. Upon completion of the riprap, any exposed mineral soil above the normal high water mark would be seeded and mulched with hay. The project would be done during normal river water flows.

Review Criteria

9. Under provisions of Section 10.21,J,3,c(16) of the Commission's Land Use Districts and Standards, shoreland alterations, including reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters and motorized recreational gold prospecting may be allowed upon issuance of a permit

from the Commission subject to the applicable requirements set forth in Sub-Chapter III within (D-RS) Residential Development Subdistricts.

10. The Army Corps of Engineers has reviewed this proposal and states that the project site is in Atlantic salmon critical habitat, so the applicant needs to do the work in the dry and keep the riprap to a minimum to protect the camp. The corps has further stated that a de minimus amount of excavation at the edge of the normal high water mark to establish the base row of rock for the riprap is acceptable. If the project is conducted as proposed, no permit will be required by the Army Corps of Engineers.

11. The Department of Inland Fisheries and Wildlife (MDIFW) has reviewed this proposal and has stated one species of freshwater mussel that is listed as Endangered, Threatened or of Special Concern (Brook Floater) has been documented in the river. They recommend that the excavator and other heavy equipment conduct its work from atop rubber blasting mats to avoid having the excavator tracks in direct contact with the river bottom, that the in-water footprint of riprap be limited to 2-3 feet into the river channel, that rigorous construction BMPs be employed, and that disturbance of vegetation on the approach to the bank be minimal and that in-stream work be expedited. MDIFW further recommends that work not be done at flows higher than that observed during a 10/8/2015 site visit, and that as a condition of the permit that the shoreline stabilization be reviewed annually for 3 years, with follow-up photos documenting the extent of the project to verify that the riprap is stable and has not significantly shifted/washed into the river. If the project is deemed to be not stable during this timeframe, the applicant must take corrective actions immediately which include the submittal of plans which have been designed/stamped by an engineer with experience in hydrology and fluvial geomorphology.

12. The Maine State Soil Scientist has reviewed this proposal and recommends that the rocks used be large enough to withstand the velocity of the flood waters. He further recommends that the rock face be as smooth as possible so that the ice does not have a chance to catch up on the riprap and dislodge the rocks, and that the riprap should follow the existing natural contours of the river bank and be tapered into the up-stream bank to prevent flowing water from eroding behind the riprap.

13. The Maine Department of Marine Resources, Division of Sea Run Fisheries and Habitat has reviewed this proposal and recognizes the urgent need for repair of the bank, but recommended that the work be conducted during the standard in-water work window as established by the US ACOE General Permit.

14. The Maine Historic Preservation Commission has reviewed this proposal and has no concerns regarding the project.

15. The Maine Department of Agriculture, Conservation, and Forestry Natural Areas Program has reviewed this proposal and has stated that there are no rare botanical features that will be disturbed by this project.

16. The facts are otherwise as represented in Stream Alteration Permit application SA 1086 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Donald and Kathleen Sylvester with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 2004), a copy of which is attached.

2. Riprap must be installed in accordance with the Standards for Installation of Riprap (ver. 4/91), a copy of which is attached, except that riprap may be larger than the standard size and shall be no steeper than 1.5 feet horizontal to 1 foot vertical in order to preserve and restore vegetation.

3. Prior to any construction activities, silt fence and/or hay bales must be placed between the water and the work area and around stockpiles in order to prevent sedimentation of the waterbody.

4. Once implemented or put in place, erosion control devices and measures must be maintained to ensure proper functioning. Should water levels substantially increase during construction, or if any erosion or sedimentation occur during construction, the permittee shall cease construction and contact the Commission immediately, notifying it of the problem and describing all proposed corrective measures.

5. Wheeled or tracked, heavy equipment must not be driven below the normal high water mark of the East Branch of the Mattawamkeag River except on rubber blasting mats. Disturbance of vegetation on the approach to the bank must be minimal.

6. Upon completion of the project within the terms of this permit, all solid waste and other debris must be disposed of in a proper manner, in accordance with all applicable state and federal solid waste laws and rules.

7. Rocks used for the riprap must not be taken from the waterbody or the existing shoreline of any waterbody.

8. All areas of exposed mineral soil above the normal high water mark of the waterbody disturbed by the authorized activity must be promptly seeded and mulched to avoid soil erosion and siltation.

9. To the extent possible, work must be done during a period of seasonal low water, when the water level is lower than the work area.

10. Notice must be given to the Commission at least 1 week prior to beginning in-water work.

11. The permittee or their designee shall monitor the shoreline stabilization annually for 3 years, with follow-up photos documenting the extent of the project to verify that the riprap is stable and has not significantly shifted/washed into the river. If the project is deemed to be not stable during this timeframe, the applicant must take corrective actions immediately which include the submittal of plans which have been designed/stamped by an engineer with experience in hydrology and fluvial geomorphology

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT EAST MILLINOCKET, MAINE, THIS 16TH DAY OF OCTOBER, 2015.

By: _____

for: Nicholas D. Livesay, Executive Director

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ALTERATION PERMITS

1. The permit certificate must be posted in a visible location on your property during performance of the activities approved by this permit.

2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.

3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, permits required under the Natural Resources Protection Act administered by the Maine Department of Environmental Protection.

5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

6. All areas of exposed mineral soil above the normal high water line or wetland boundary shall be promptly seeded and mulched so as to avoid soil erosion and lake sedimentation. Rocks and trees which are holding the shoreline and preventing erosion shall not be removed.

7. Unless otherwise specified in this permit, all work must be conducted at periods of low water when the water level is lower than the work area.

8. Unless otherwise specified in this permit, no mechanical equipment, machinery or vehicles shall be operated below the normal high water line or wetland boundary.

9. If pressure treated wood is to be used, such wood must be allowed to cure, away from the waterbody or wetland, for a minimum of three weeks prior to installation.

10. Once the activity is completed, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04

18 ELKINS LANE, HARLOW BUILDING
PHONE: 207-287-2631 www.maine.gov/acf FAX: 207-287-7439

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STANDARDS FOR THE INSTALLATION OF RIPRAP

Riprap shall be installed in accordance with the following standards:

1. Riprap shall be placed in such a manner as to form a slope not steeper than 2 feet horizontal for every 1 foot vertical. Flatter slopes are more stable, and, therefore, slopes of 3:1 or 4:1 are preferable.

2. Riprap shall be irregularly shaped rocks (not round rocks) of 10 inches to 12 inches in diameter (about the size of a basketball), and shall be placed in a manner that the rocks fit together and interlock. Riprap should consist of more than one layer of rocks to be stable.

3. Riprap shall be placed on top of and embedded into coarse gravel, or a sediment barrier such as filter fabric, if the original soils are clay, light sand, or other highly erodible soils.

4. Riprap shall be secured into the toe of the slope of the embankment, meaning the first layer should start approximately 6 inches below the original grade at the base of the embankment. As indicated in 5 below, this does not mean that you may encroach into the water body or wetland.

5. Riprap placed at the normal high water line shall begin at the existing shoreline and shall not extend toward the water body or wetland. The top of the shoreline shall be cut back as necessary to obtain the required 2:1 or flatter slope.

6. Rocks used for riprap shall not be obtained from the bottom of the water body or wetland, the immediate shoreline area or from areas where their removal will cause soil erosion into the water body or wetland.

7. Surface water drainage shall be diverted around the area being riprapped.

8. The riprap may not be covered with gravel, clay, loam, or any other materials.

4/91

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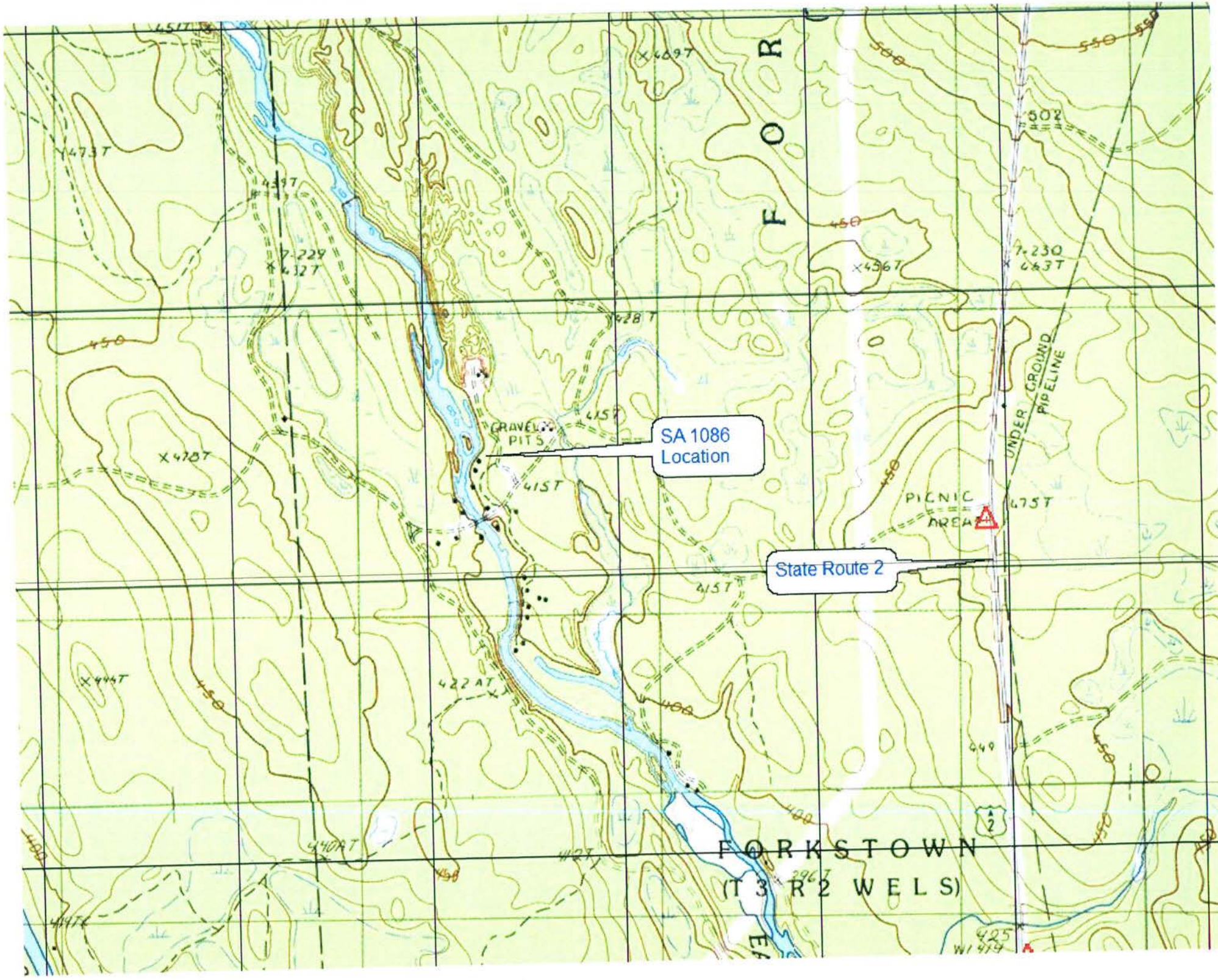
SA 1086
Location
State Route 2
GRAVEL PITS
PICNIC AREA
UNDER GROUND PIPELINE
FORKSTOWN
(T 3 R 2 WELS)